

| | | | |
|-------------------------------|-------------------------------|---------------------------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/840,070 Examiner | RAZUMOV, SERGEY N. Art Unit | |
| | Mark Fadok 3625 | | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed 8/18/2005.
2. The allowed claim(s) is/are 1,4,9-12,14,19-22 and 26.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 12/1/2005.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Response to Amendment

The Examiner acknowledges receipt of response to office action mailed 6/7/2005, which was received 8/18/2005. Acknowledgement is made to the amendment to claims 1,3,7,14-18 and 20-26, the cancellation of claim 13 leaving claims 1-12 and 14-26 as pending in the instant application. Applicant's amendments have been carefully reviewed and are found to overcome the prior art of record with the suggestions agreed to during the examiner's interview dated 12/1/2005. therefore the following reasons for allowance follows:

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. A. Yampolski on 12/1/2005.

The following amendment has been approved by Mr. A. Yampolski:

Cancel claims 2,3,5-8,13,15-18,23-25.

Delete claims 1,4,9-12,14,19-22 and 26 and replace with the following:

Art Unit: 3625

1. (Currently Amended) A retail system for providing pickup of an order in a vehicle comprising:

at least one storage facility for storing goods available to order,

a plurality of purchase obtaining facilities remote with respect to the storage facility,

said plurality of purchase obtaining facilities further providing pickup stations where a person in a vehicle can pickup said order,

said purchase obtaining facilities containing a service area for temporarily storing said order delivered from the storage facility,

an order unit capable of inputting said order in advance of arrival at one of said plurality of purchase obtaining facilities,

said plurality of purchase obtaining facilities including a control unit configured to: input identification data when the customer in said vehicle arrives at the purchase obtaining facility,

correlating the identification data with information identifying the order,

automatically assigning the customer one of a plurality of pickup stations,

when the customer is assigned one of a plurality of pickup stations automatically requesting delivery of the order from the service area to the customer in said vehicle at the assigned pickup station.

4. (currently amended) The retail system of claim 1, wherein the identification data identifies the customer.

9. (currently amended)The retail system of claim 1, wherein the purchase obtaining facility further comprises at least one check-out station for enabling the customer to check out the order without leaving the vehicle.

10. (currently amended)The retail system of claim 1, wherein the pickup station is released from being assigned to the customer after the order is obtained.

11. (currently amended)The retail system of claim 9, wherein the checkout station enables the customer to exit the purchase obtaining facility only after the order is checked out.

12. (currently amended)The retail system of claim 1, wherein the plurality of plurality of pickup station include a checkout arrangement for enabling the customer to automatically check out the order.

14. (Previously Amended) A method for providing pick-up of an order in a vehicle, comprising the steps of:

storing available to order goods in at least one storage facility,
providing a plurality of purchase obtaining facilities remote with respect to the storage facility plurality of purchase obtaining facilities further providing pickup stations where a person in a vehicle can pickup said order, and

the purchase obtaining facilities contain a service area for temporarily storing said order delivered from the storage facility,

receiving the order placed in advance of arrival at one of said plurality of purchase obtaining facilities,

configuring said plurality of purchase obtaining facilities ~~further configured to:~~ input the identification data when the customer in said vehicle arrives at the purchase obtaining facility,

correlating the identification data with information identifying the order automatically assigning a customer one of a plurality of pickup stations, when the customer is assigned one of a plurality of pickup stations automatically requesting delivery of the order from the service area to the customer in said vehicle at the assigned pickup station.

19. (currently amended) The method of claim 14, further comprising the step of enabling the customer to check out the order without leaving the vehicle.

20. (currently Amended) The method of claim 14, further comprising the step of releasing said one of a plurality of pickup stations from being assigned to the customer after the order is obtained.

21. (currently Amended) The method of claim 14, further comprising the step of enabling the customer to automatically check out the order at said one of a plurality of pickup stations.

22. (Currently Amended) A drive-through retail facility for enabling a customer in a vehicle to make a purchase without leaving the vehicle, the retail facility comprising:

at least one storage facility for storing goods available to order,

a plurality of purchase obtaining facilities remote with respect to the storage facility,

said plurality of purchase obtaining facilities further providing pickup stations where a person in a vehicle can pickup said order,

said purchase obtaining facilities containing a service area for temporarily storing said order delivered from the storage facility,

an order unit capable of inputting said order in advance of arrival at one of said plurality of purchase obtaining facilities,

said plurality of purchase obtaining facilities including a control unit configured to: input identification data when the customer in said vehicle arrives at the purchase obtaining facility,

correlating the identification data with information identifying the order,

automatically assigning the customer one of a plurality of pickup stations,

when the customer is assigned one of a plurality of pickup stations automatically requesting delivery of the order from the service area to the customer at the assigned pickup station without the customer having to leave the vehicle.

26. (Currently Amended) The facility of claim 22, wherein said control system is configured to release said one of a plurality of pickup stations from being assigned to the customer when the customer obtains the purchase.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 1,4,9-12,14,19-22 and 26 are allowable.

The following is an Examiner's statement of the reasons for allowance for all independent claims 1,14 and 22.

The present invention is directed a method, system and apparatus for controlling the input of traffic into a pickup facility by using and identification to automatically assign and deliver product to a parking space.

Each of the independent claims 1,14 and 22 identify uniquely distinct features such as follows.

Claim 1,14 and 22

correlating the identification data with information identifying the order,
automatically assigning the customer one of a plurality of pickup stations,
when the customer is assigned one of a plurality of pickup stations automatically
requesting delivery of the order from the service area to the customer in said vehicle at
the assigned pickup station.

Discussion of most relevant art:

US Patents and PG-PUB

(i) US Patent 5,158,155 to Domain et al teaches a structural complex for making
and picking up orders. Domain, however, fails to render the above-mentioned
application's limitations obvious.

(ii) US Patent 5,890,136 to Kipp et al teaches a method ordering and purchasing
articles from a remote location for pickup at an automated pickup station. Kipp,
however, fails to render the application's above-mentioned limitations obvious.

(iii) US Patent 6,574,603 to Dickson et al teaches a method for preordering an
article at a remote location for later pickup. Dickson, however, fails to render the
application's above-mentioned limitations obvious.

(iv) US Patent 2,638,636 to Pool teaches a shopping facility where a person can stay in their car which having orders delivered. Pool, however, fails to render the application's above-mentioned limitations obvious.

Foreign Patent Documents

(v) EP 10017614 to Dickson et al. teaches a fuel ordering system; however, Dickson fails to render the application's above-mentioned limitations obvious.

Non-Patent Literature

(vi) Willard, John teaches accepting identifying information and pulling up to a second window to receive an order. Willard, however, does not render the application's above-mentioned limitations obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 305-7687 [Official communications; including

After Final communications labeled

"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



Mark Fadok

Patent Examiner